

AFFIDAVIT OF SERVICE

Case 1:07-cv-08330-LAK Document 3 Filed 10/18/2007 Page 1 of 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKJUAN GARCIA-ESPINOZA., ON BEHALF OF HIMSELF AND
OTHER PERSONS SIMILARLY SITUATED

INDEX #:

07 CIV 8330

DATE FILED:

09/24/2007

- against -

JP RESTAURANT CORP. D/B/A CARMINE'S ITALIAN
SEAFOOD RESTAURANTPlaintiff(s)
Petitioner(s)JUDGE:
LEWIS A. KAPLANDefendant(s)
Respondent(s)

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

TONY CONIGLIARO, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK

That on 10/11/2007, 01:54PM at 140 BEEKMAN STREET, #140, NEW YORK NY 10038, deponent served the within SUMMONS IN A CIVIL ACTION, COMPLAINT AND JURY DEMAND & COPY OF RULES FOR JUDGE LEWIS A. KAPLAN on CARMINE'S ITALIAN SEAFOOD RESTAURANT, a defendant in the above action.

By delivering to and leaving with TOM BONE at the above address and that he knew the person so served to be the managing agent of the corporation.

DepONENT completed service by depositing a copy of the above described papers in a post paid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of NEW YORK, on 10/12/2007 addressed to defendant CARMINE'S ITALIAN SEAFOOD RESTAURANT at 140 BEEKMAN STREET, #140, NEW YORK NY 10038 with the envelope bearing the legend PERSONAL AND CONFIDENTIAL and did not indicate on the outside thereof that the communication was from an attorney or concerned an action against the defendant.

DEPONENT DESCRIBES THE INDIVIDUAL SERVED AS FOLLOWS:

Sex M Approximate age 55 Approximate height 5'10" Approximate weight 240 Color of skin WHITE Color of hair BALDING BROWN

THE LAW OFFICE OF
JUSTIN A. ZELLER840 WEST END AVENUE
APARTMENT #4B
NEW YORK, NY 10025
(212)897-5859
TONY CONIGLIAROSworn to before me on 10/12/2007
MAUREEN MCCAFFREY NO.01MC5018583
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES OCTOBER 4, 2009